

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

AIR EVAC EMS, INC., d/b/a)	
AIR EVAC LIFETEAM,)	
)	
Plaintiffs,)	
)	Case No. 3:06-0239
v.)	Judge Trauger
)	
KENNETH D. ROBINSON, M.D.,)	
COMMISSIONER OF HEALTH)	
AND TENNESSEE BOARD OF)	
EMERGENCY MEDICAL SERVICES,)	
)	
Defendants.)	

MEMORANDUM and ORDER

On November 15, 2006, the plaintiff, Air Evac EMS, Inc., d/b/a Air Evac Lifeteam, sought, via a Motion for Summary Judgment, “a judgment declaring that the Federal Aviation Act, 49 U.S.C. § 40101 et seq., and the regulations promulgated thereunder, completely preempt the field of aircraft safety and that, therefore, Tennessee Board of Emergency Medical Services and the Commissioner of Health have no constitutional capability to require Air Evac by rule to utilize any particular avionics equipment.” (*See* Docket No. 34 at 1.) On May 7, 2007, the court granted the plaintiff’s Motion for Summary Judgment and denied the defendants’ Motion to Dismiss or for Summary Judgment (Docket No. 30). (*See* Docket No. 58 at 1.)

The plaintiff now requests that the declaratory judgment referred to in its Motion for Summary Judgment be formally set forth. (*See* Docket No. 60 at 1 (citing Fed. R. Civ. P. 58(a)(1).) Under Rule 58(a)(1), “[e]very judgment and amended judgment must be set forth on a separate document,” unless one of the Rule’s enumerated exceptions applies. Fed. R. Civ. P.

58(a)(1). As noted by the plaintiff, none of these exceptions is relevant to this case. *See id.*; (*see also* Docket No. 61 at 1.)

Because the court granted summary judgment in favor of the plaintiff on the issue of whether federal law preempted state rules that required the plaintiff to install certain avionics equipment aboard its air ambulances, the plaintiff's request for a declaratory judgment to that end is appropriate. (*See* Docket No. 57 at 12, 17.) As such, plaintiff's Request for Entry of Judgment is **GRANTED**. The judgment will be set forth separately.

It is so ordered.

Enter this 18th day of May 2007.



ALETA A. TRAUGER
United States District Judge